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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/995,725	11/29/2001	Hiroyuki Harada	02-010-DIV	3516

23400 7590 10/11/2002

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EXAMINER

NGUYEN, TRAN N

ART UNIT PAPER NUMBER

2834

DATE MAILED: 10/11/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/995,725

Applicant(s)

HARADA ET AL.

Examiner

Tran N. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) ____ is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) 21-28 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 09/536,401.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3. 6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. **Claims 21-22** are rejected under 35 U.S.C. 102(b) as being fully anticipated by Hino Youji (JP 5176509).

Hino fully discloses a motor as claimed, particularly magnets arranged to face each other through the armature; wherein the magnet (10) having a main part and the extension part having similar uniform thickness; wherein a magnetization in the extension part at an end side in a rotation direction is stronger than that at a boundary part between main part and the extension, wherein the magnetic dipole orientation in the main part is directed to a rotation axis of the armature and magnetic dipole orientation in the end side of the extension is directed to a radially outer side from the rotation axis of the armature, wherein each magnets have thinned ends (10A, 12A) at both terminal ends (figs 1-6).

2. **Claim 21** is rejected under 35 U.S.C. 102(b) as being fully anticipated by Hino Youji (JP 5176510, hereafter Hino'510) or alternately by Hino Youji (JP 5168209, hereafter Hino'209).

The Hino'510 reference fully discloses a motor as claimed, particularly magnets arranged to face each other through the armature; wherein the magnet (10) having a main part and the extension part having similar uniform thickness; wherein a magnetization in the extension part at an end side in a rotation direction is stronger than that at a boundary part between

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main part and the extension, wherein the magnetic dipole orientation in the main part is directed to a rotation axis of the armature and magnetic dipole orientation in the end side of the extension is directed to a radially outer side from the rotation axis of the armature (fig 1).

Alternately, Hino'209, as an individually stand-alone reference which is not being combined with any of the aforementioned references, fully discloses the claimed motor, particularly about the magnets having main part and extension part of the same thickness, wherein a magnetization in the extension part at an end side in a rotation direction is stronger than that at a boundary part between main part and the extension, wherein the magnetic dipole orientation in the main part is directed to a rotation axis of the armature and magnetic dipole orientation in the end side of the extension is directed to a radially outer side from the rotation axis of the armature (fig 1).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 23-28** are rejected under 35 U.S.C. 103(a) as being unpatentable over one of the aforementioned reference, as applied in the rejection against the base claim, and in view of Cooper (US 6155421).

Any stand-alone aforementioned ref discloses the claimed invention, except for the magnet having a visible member serving as position indicator.

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Cooper discloses position indicators are used to define an exact or approximate position where the ends of the strip are to be positioned together so as to obtain the desired shape of the strip when formed into a circle, polygonal shape or the like. The position indicators may take many forms such as markings, grooves, cavities, notches, or the like to serve as visible position indicator. It has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Cooper's important teaching is to provide visible position indicator to locate proper position of a component during assembling process.

Thus, it would have been obvious to one skilled in the art at the time the invention was made to modify the motor by providing visible position indicator, as taught by Cooper, for the magnets either at the main part or at one terminal end of the magnet. Doing so would facilitate the assembling process by enable easy location arrangement of the magnets.

Communication

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tran N Nguyen whose telephone number is (703) 308-1639. The examiner can normally be reached on M-F 6:00AM-2:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on (703)-308-1371. The fax phone numbers for the organization where this application or proceeding is assigned are (703)305-3431 for regular communications and (703)-395-3432 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-308-1782.

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A handwritten signature in black ink, appearing to read 'Tran Nguyen', is written over the printed name.

TRAN NGUYEN

PRIMARY PATENT EXAMINER

TC-2800